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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/707,311	12/04/2003	Ed Stengel	16155-US	1310
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			ART UNIT	PAPER NUMBER
			1753	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/707,311	Applicant(s) STENGEL, ED	
	Examiner Thanh-Truc Trinh	Art Unit 1753	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>7/4/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 4, paragraph [0013] line 2, "12" is not found on the drawings.

Page 6, paragraph [0018] line 7, "diode 20" should be -- diode 30 --.

Page 7, paragraph [0020] line 4, "NiCad" should be -- NiCd --.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "said solar panel" in line 8. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

Art Unit: 1753

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-3, 5-7, 12-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Cirrito (US Patent 4980574).

See Figures 1-3 and 4.

Regarding claim 1, Cirrito discloses different portable solar power supply units (10, 14, 16), each comprising a massive body (housing or enclosure 12, 14, 18) having a base for setting on the ground so that the body maintains a stable position, solar cell array (11, 15, 19) exposed on a surface of the massive body to generate an electrical current, power outlets for providing power from the solar panel to power a small garden accessory. (See col. 3 lines 29-33). The disclosed power supply units are meant to be put in the garden for an irrigation system, therefore they are inherently natural garden features.

Regarding claim 2, Cirrito describes the massive body is hollow or and a regulator 33 is located in the massive body for regulating the voltage at the power outlet (See Figure 4, col. 3 lines 26-28, col. 3 lines 34-39, col. 3 line 58).

Regarding claim 3, Cirrito discloses the power supply unit comprising a rechargeable battery located in the massive body, wherein the rechargeable battery is charged by the solar panel. (See Figure 4, col. 3 lines 55-68 and col. 4 lines 1-17)

Regarding claim 5, Cirrito describes the solar panel being angled upwardly about 45° (See Figures 1-3, col. 3 lines 39-41).

Regarding claim 6, Cirrito discloses an inverter in the massive body for generating AC current (See Figure 4 or col. 4 lines 18-45).

Regarding claim 7, Cirrito describes the base of the power supply is flat on its underside to provide a stable surface for setting on the ground (See Figures 1-3).

Regarding claim 12, Cirrito disclose a power supply as in claim 3 comprising a plurality of output jacks providing a plurality of power outlets at different voltages and to different garden accessories. (See Figure 4, col. 2 lines 40-44 or col. 3 lines 29-33).

Regarding claim 13, Cirrito describe the surface portion supporting the solar cells is flat (See Figures 1-3).

Claim Rejections - 35 USC § 102

Art Unit: 1753

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1-4, 7, 10-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Hilton et al. (Publication No. US 2003/0121541 A1).

See Figures 1-5, 16-21.

Regarding claim 1, Hilton et al. disclose a portable solar power system comprising a massive body (container 40) having appearance of a garden feature and a base for setting on the ground so that the body maintains a stable position, solar cells (20, 22) exposed on a surface of the body to generate an electrical current, power outlets (or wires leading to bulbs 88, 89) for providing power from the solar cells to power a home identification system 10 which is a small garden accessory (See page 2 paragraphs [0031], [0041]).

Regarding claim 2, Hilton et al. describe the massive body is hollow and may includes a regulator between the solar cells and the battery. The regulator is inherently located in the massive body for regulating the voltage at the power outlet (See Figure 21, page 3 paragraphs [0041-0042]).

Regarding claim 3, Hilton et al. disclose a portable solar powered home identification system comprising a rechargeable battery located in the massive body, wherein the rechargeable battery is charged by the solar panel. (See Figure 21 or page 3 paragraph [0041])

Regarding claim 4, Hilton et al. describe the massive body is in the shape of a rock. (See Figure 19, or page 2 paragraph [0039])

Regarding claim 7, Hilton et al. describe the base of the power supply is flat on its underside to provide a stable surface for setting on the ground (See Figures 1-5, 18-19).

Regarding claims 10-11, Hilton et al. teach that the massive body of the portable power supply is formed from synthetic material shaped to resemble a natural rock, and the material is plastic. (See Figures 18-19, page 2 paragraphs [0031], [0037], [0039]).

Regarding claim 12, Hilton et al. teach that the power supply comprising a plurality of output jacks, or wire leading to bulbs 88 and 90. (See Figure 21).

Regarding claim 13, Hilton et al disclose the surface portion that the solar cell (10 or 22) disposed on is flat. (See Figures 1-5, 21)

Claim Rejections - 35 USC § 102

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 7-11, 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Sooferian (US Patent 6932489).

See Figures 1-4.

Regarding claim 1, Sooferian discloses a portable solar powered stepping stone comprising a massive body 10 having appearance of a garden feature and a base 14 for setting on the ground so that the body maintains a stable position, solar cells 40 (or solar cell panels) exposed on a surface of the body to generate an electrical current, a power outlet (or connectors 44, 45) for providing power from the solar cells to power a light source which is a small garden accessory (See Figure 4, or col. 5 lines 37-53 and col. 6 lines 4-6).

Regarding claim 2, Sooferian describes the massive body is at least hollow and a regulator, or sensor 46, is located in the massive body for regulating the voltage at the power outlet (See Figure 4, col. 6 lines 44-54).

Regarding claim 3, Sooferian disclose a portable solar powered home identification system comprising a rechargeable battery, or energy storage member 42, located in the massive body, wherein the rechargeable battery is charged by the solar panel. (See Figure 4, or col. 5 lines 45-53).

Regarding claim 4, Sooferian describe the massive body is in the shape of a rock, or stepping stone 10. (See Figures 1-3, or col. 3 lines 31-35)

Regarding claim 7, Sooferian describes the base of the stepping stone is flat on its underside to provide a stable surface for setting on the ground (See Figures 1-3).

Regarding claims 8-9, Sooferian teaches that the massive body is formed from a natural rock, wherein the natural rock hollowed out to accommodate the rechargeable battery. (See col. 3. lines 31-40)

Regarding claims 10-11, Sooferian teaches that the massive body is formed from synthetic material shaped to resemble a natural rock, or stepping stone. In addition, the massive body is made of plastic. (See col. 3 lines 31-40).

Regarding claim 13, Sooferian discloses the surface portion that the solar cell disposed on is flat. (See Figure 4 or 6).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh-Truc Trinh whose telephone number is 571-272-6594. The examiner can normally be reached on 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nam Nguyen can be reached on 571-272-1342. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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